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First Named Inventor: Hans-Martin Dietrich

Application No. 10/501,750

Attorney Docket No. 2002P00211WOUS

Filed: July 15, 2004

Title: IMPROVED DATA PROTECTION FOR POSITION DEPENDENT SERVICES

Examiner: Nghi H. Ly

Art Unit: 2617

⇒ **FACSIMILE ATTN TO: NGHI H. LY****FAX NO.: 571-273-8300****RESPONSE TO FINAL OFFICE ACTION**Commissioner for Patents
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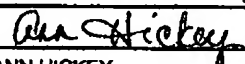
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	Filing Date	July 15, 2004	
	First Named Inventor	Hans-Martin Dietrich	
	Art Unit	2617	
	Examiner Name	Nghi H. Ly	
Total Number of Pages in This Submission	5	Attorney Docket Number	2002P00211WOUS

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PATENT

Attorney Docket No. 2002P00211WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	H-M. Dietrich et al.)	
)	Group Art Unit: 2617
Serial No.:	10/501,750)	
)	Examiner: LY, Nghi H.
Filed:	07/15/2004)	
Title:	IMPROVED DATA PROTECTION FOR POSITION DEPENDENT SERVICES		

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Sir:

RESPONSE UNDER 37 CFR 1.116

This paper is in response to the final rejection contained in the Office Communication dated as mailed June 26, 2006, and having a timely response due date of September 26, 2006. The final rejection is based upon new grounds of rejection presented by the Examiner for the first time in the pending Action. Accordingly, the applicants respectfully request that the Examiner consider and respond to the following remarks prior to due date for the Notice of Appeal of the final rejection.

Claims 18-27, 29-32 and 34 stand rejected as being unpatentable over Havinis et al., US pat. No. 6,311,069 (hereinafter Havinis) in view of Kingdon et al., US Publication No. 2001/0014604A1 (hereinafter Kingdon). Claim 28 stands rejected as being unpatentable over Havinis in view of Kingdon and further in view of Koch, US pat. No. 6,961,417 (hereinafter Koch).

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Claim 18 is directed to a method for requesting the agreement of a user of a mobile terminal 13 (FIG. 3) of a mobile radio network to the transfer of their position data to a party, e.g., Locator Services Application (LCS) 11, requesting this position data. The method allows providing a central privacy entity 26 comprising a database server for storing privacy data 18 regarding the mobile terminal. In particular, the central privacy entity constitutes a separate entity from a Home Location Register (HLR) 16 for the mobile terminal. The privacy data 18 stored in the database server at the central privacy entity is defined to assign to the mobile terminal at least one verification rule as to whether an agreement must be obtained on the mobile terminal side to forward the mobile terminal position to the requester. The switching center 14 of the mobile radio network (in the event of the arrival of a request from a requester for the position of the mobile terminal) causes the database server at the central privacy entity 26 to make a check on the basis of the privacy data stored there. The results of the check performed at the central privacy location 26 are sent to the switching center 14. If the result indicates that an agreement must be obtained, the switching center 14 sends a request for an agreement to the mobile terminal. If the agreement is received by the switching center, then the position of the mobile terminal is sent by the switching center to the requester.

The Office communication correctly acknowledges that Havinis fails to disclose or suggest that the central privacy entity constitutes a separate entity from a Home Location Register (HLR) for the mobile terminal. The Office communication then applies Kingdon to purportedly remedy the deficiencies of Havinis regarding the claimed invention. However, as discussed in greater detail below, the combination of Kingdon with Havinis fails to result in the claimed invention.

Kingdon is directed to provisioning assistance GPS data to a mobile station. The claimed invention is directed to safeguarding privacy data from the mobile station when the mobile station is requested to report its location. Kingdon does not even consider the privacy issues that arise when the reporting of location is from the mobile station, as does the claimed invention. Although Kingdon may use a database (VLR 16), the utilization of such a database is inapplicable regarding the claimed invention in view of the diametrically opposite operation of

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Kingdon. Accordingly, Kingdon fails to remedy the deficiencies of Havinis, and the Havinis/Kingdon references, singly or in combination, fail to meet the burden required to make a *prima facie* case to sustain a 103 rejection. Accordingly, the rejection of claim 18, and claims depending from that claim, should be withdrawn.

In connection with dependent claim 28, it is respectfully submitted that Koch fails to overcome the deficiencies of Havinis/Kingdon noted above in connection with claim 18, the parent claim of claim 28. Consequently, the Havinis/Kingdon/Koch combination fails to render unpatentable claim 28.

Claim 34 is directed to a computer readable media containing program instructions for requesting the agreement of a user of a mobile terminal of a mobile radio network to the transfer of their position data to a party requesting this position data. It is respectfully submitted that in view of the foregoing discussion Havinis/Kingdon also fails render unpatentable claim 34.

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/28/06

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